

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

In re: MICHAEL A. HAWKER,)	Case No. 06-61153-LYN
)	
Debtor.)	
)	
COLONIAL MART OF DANVILLE,)	Adv. No. 06-06101
)	
Plaintiff,)	
)	
v.)	
)	
MICHAEL A. HAWKER,)	
)	
Defendant,)	
)	

**MEMORANDUM
AND
ORDER**

This matter comes before the Court on a motion by the plaintiff for default judgment against the defendant and debtor, Michael A. Hawker. In its adversary complaint, the plaintiff seeks compensatory damages, punitive damages, and a declaration that the debts arising from any judgment herein is non-dischargeable.

The plaintiff has also filed, concurrently with this adversary proceeding, another adversary complaint, Adversary No. 06-06100, naming the debtor and Michael A. Hawker, Inc., as defendants. In that adversary proceeding, the plaintiff filed a notice of a removal of a state court action, which has been pending for more than two years, which seeks the same damages as requested in this adversary proceeding.

This Court has abstained from hearing Adversary No. 06-06100 and has instructed the Plaintiff to return to this court and prosecute the non-dischargeability claim in this adversary proceeding, Adversary No. 06-06100, upon resolution of the dispute in the Circuit Court for the City of Danville.

Accordingly, the motion for default judgment shall be and hereby is denied without prejudice to the filing of the motion, if appropriate, after the dispute is resolved in the Circuit Court for the City of Danville.

So ORDERED.

Upon entry of this order the Clerk shall forward copies of this order to Darren W. Bentley, Esq., Michael W. Hawker, and Michael W. Hawker, Inc.

Entered on this 8th day of December, 2006.

A handwritten signature in black ink, appearing to read "William E. Anderson", is written over a horizontal line.

William E. Anderson
United States Bankruptcy Judge

